

**ASSEMBLY, No. 4939**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED NOVEMBER 9, 2020

**Sponsored by:**  
**Assemblywoman HOLLY T. SCHEPISI**  
**District 39 (Bergen and Passaic)**

**SYNOPSIS**

Directs DCA to establish online database of affordable housing settlement agreements and other declaratory judgment actions.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT directing Department of Community Affairs to create  
2 affordable housing declaratory judgment database and  
3 supplementing P.L.1985, c.222 (C.52:27D-301 et al.).  
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*  
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8 1. a. The Department of Community Affairs shall produce a  
9 database that details the results of each declaratory judgment action  
10 completed on or after January 1, 2015. The department shall  
11 develop, maintain, and update the database based upon information  
12 submitted to the department by the parties to the declaratory  
13 judgment action, and the courts, and based upon information  
14 obtained from any other sources. Upon request by the department,  
15 the Mount Laurel-designated judges in the Superior court vicinages,  
16 each municipality that is party to a declaratory judgment action, and  
17 each other party to the action, shall provide the department with the  
18 information necessary to develop the database. The database shall  
19 be accessible to the public on the Internet website of the  
20 department.

21 b. The database shall contain, but shall not be limited to:

22 (1) a list of the municipalities that have completed a declaratory  
23 judgment action;

24 (2) the number of affordable housing units that, pursuant to a  
25 declaratory judgment action, represent a municipality's fair share of  
26 the need for affordable housing in its region, divided into the  
27 rehabilitation share, gap-present need share, prospective need share,  
28 and the unfulfilled prior-round obligation;

29 (3) the ratio of rental units to ownership units among the  
30 affordable housing units in the municipality, and, as applicable,  
31 among the units within the municipality's fair share obligation that  
32 have not yet been constructed;

33 (4) the ratio of affordable units to market-rate units and total  
34 number of affordable units and market-rate units mandated pursuant  
35 to any declaratory judgment action among the housing units in the  
36 municipality, and among the developments that, pursuant to the  
37 settlement agreement, may be constructed in order to satisfy the  
38 municipality's fair share obligation; and

39 (5) a list of the payments made by each municipality to each  
40 other party to a declaratory judgment action, including but not  
41 limited to the Fair Share Housing Center, for expenses associated  
42 with a settlement agreement.

43 c. As used in this section, "declaratory judgment action" means  
44 an action taken by a municipality to obtain a grant of repose in  
45 Superior Court, in order to comply with the "Fair Housing Act,"  
46 P.L.1985, c.222 (C.52:27D-301 et al.), including but not limited to  
47 a settlement agreement entered in accordance with In Re Adoption

1 of N.J.A.C. 5:96 and 5:97 by New Jersey Council on Affordable  
2 Housing, 221 N.J. 1 (2015).

3 d. The Commissioner of Community Affairs may adopt rules  
4 and regulations, pursuant to the "Administrative Procedure Act,"  
5 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the provisions of  
6 this section.

7  
8 2. This act shall take effect immediately.

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11 STATEMENT

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13 This bill would direct the Department of Community Affairs to  
14 produce a database that details each affordable housing declaratory  
15 judgment action, including each settlement agreement entered by a  
16 municipality in order to comply with the "Fair Housing Act,"  
17 ("FHA") P.L.1985, c.222 (C.52:27D-301 et al.) since the beginning  
18 of 2015. The database would be based on information submitted by  
19 the parties to each action, the courts, and other sources. Upon  
20 request by the department, the bill requires the courts, each  
21 municipality, and each other party to the action, to provide the  
22 information necessary. The database would be accessible to the  
23 public on the department's website.

24 The database would contain:

25 (1) a list of the municipalities that have completed a declaratory  
26 judgment action;

27 (2) the number of affordable housing units that, under the  
28 completed action, represent the municipality's fair share of the  
29 regional need for affordable housing, commonly referred to as its  
30 fair share obligation;

31 (3) the ratio of rental units to ownership units amongst  
32 affordable housing in the municipality, and, as applicable, among  
33 the units within the municipality's fair share obligation that have  
34 not yet been constructed;

35 (4) the ratio of affordable units to market-rate units and total  
36 number of affordable units and market-rate units mandated pursuant  
37 to any declaratory judgment action amongst housing in the  
38 municipality, and among the developments that may be constructed  
39 under the completed declaratory judgment action in furtherance of  
40 the municipality's fair share obligation; and

41 (5) a list of the payments made by each municipality to each  
42 other party to a declaratory judgment action, including but not  
43 limited to the Fair Share Housing Center, for expenses associated  
44 with a settlement agreement.

45 In 2015, having concluded that Council on Affordable Housing  
46 was not capable of functioning as intended by the FHA, the New  
47 Jersey Supreme Court, through a decision in 2015, designated  
48 "Mount Laurel judges" in the Superior Court vicinages to both

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1 establish affordable housing obligations for New Jersey's  
2 municipalities and certify municipal plans to meet those obligations  
3 through declaratory judgment actions. These actions were primarily  
4 resolved through settlement agreements between the municipalities  
5 and the Fair Share Housing Center, an affordable housing advocacy  
6 organization based in Cherry Hill, New Jersey. This bill is meant to  
7 enhance the transparency of these actions.